

**REMARKS**

Claims 1-4 are now active in this application.

**REJECTION OF CLAIMS UNDER 35 U.S.C. § 101**

Claims 1-4 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

With respect to claims 1-3, the Examiner maintains that each claim fails to contain any computer hardware that is used to implement the apparatus so as to realize the functionality, and with respect to claim 4, the Examiner provides no rationale at all as to why the claim is directed to non-statutory subject matter.

The rejections are respectfully traversed.

Each of claims 1-3 recites sufficient structure to constitute a machine or manufacture within the means of 35 U.S.C. § 101. For example, claim 1 recites transmission origin storage means to which the file to be transmitted is saved, and identifying file generating means for generating an identifying file. Claim 2 recites transmission destination storage means to which the transmitted file is saved, monitoring means for detecting that a file storage folder structure ... matches a file storage folder structure, and saving means for saving, to the transmission destination storage means, the file transmitted from said transmission origin storage means of the transmission origin apparatus... Claim 3 recites the structure recited in both claims 1 and 2.

Thus, contrary to what the Examiner asserts, claims 1-3 each recite elements/structure/hardware that are a physical part of claimed apparatus. These

elements/structure/hardware are sufficient to make claims 1-3 directed to statutory subject matter within the meaning of 35 U.S.C. § 101.

Although the Examiner provides no rationale as to why claim 4 is directed to non-statutory subject matter, it should be noted that at least one step is associated with specific elements/structure/hardware. Thus, claim 4 has a folder structure detecting step of detecting a folder structure *in transmission origin storage means*... This step is sufficient to make claim 4 to be directed to statutory subject matter within the meaning of 35 U.S.C. § 101.

In view of the above, withdrawal of the rejections of claims 1-4 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is respectfully solicited.

#### **REJECTION OF CLAIMS UNDER 35 U.S.C. § 102**

Claims 1-4 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Tanaka et al. (US Publication 2001/0048534).

The rejections are respectfully traversed.

As noted in the previous response, an important feature disclosed in the present application enables apparatuses that are based on different systems to transfer/copy files in an information transmission system. As disclosed in the present application, the apparatus that are to be connected in the information transmission system use a file storage folder structure that has been pre-standardized for transmission origin apparatus and transmission destination apparatus of the information transmission system. This file storage folder structure includes an identifying file.

Thus, if a file is to be saved/copied from a transmission origin storage means to a transmission destination storage means, both storage means must first have the pre-standardized file storage folder structure. If the transmission destination detects this pre-standardized file storage folder structure in the transmission origin storage means, it then analyzes the detected file folder structure to find the identifying file of the file storage folder structure to determine whether or not *the file structure of the identifying file has the same file format and data contents as file format and data contents that have been pre-standardized for an identifying file in a transmission origin.*

The Examiner maintains that this feature is disclosed in Tanaka et al., which has the same assignee as the present application. In this regard, the Examiner refers to Figs. 6 and 7 and paragraphs [0070], [0086], [0088], [0093], [0094] and [0098] of Tanaka et al. However, as asserted in the previous response, Tanaka et al. is not concerned with the problems that the present applicant addresses. It should be noted that Fig. 6 of Tanaka et al. depicts a structure of directories including image files stored in the storage medium of the camera. Paragraph [0094] describes that the printer 40 (see Fig. 5) stores the directory information requested from the camera 10 in either memory 122, the nonvolatile memory 124 or the storage medium 46 (all in the printer) and then determines whether or not the print file 140A is included in the directory. If there is no print file 140A included in the directory, the printer requests that the camera be disconnected from the printer since there is nothing to print.

This print file 140A cannot reasonably be interpreted as being an identifying file having a unique structure used *to identify the transmission origin of the file* to be transmitted. In particular, there is nothing disclosed or suggested in Tanaka et al. regarding the file structure of

the identifying file *having the same file format and data contents as the file format and data contents that have been pre-standardized for an identifying file in a transmission origin apparatus* of the information transmission system, and by which any apparatus of the information transmission system that has the pre-standardized file storage folder structure can be identified as an origin of a file that can be transmitted to another apparatus of the information transmission system that has the pre-standardized file storage folder structure, even when both apparatuses are based on different systems.

All that the Examiner has established via reference to the different paragraphs of Tanaka et al. is that Tanaka et al. is concerned with image data communication, as is the present application. However, the Examiner has not established that Tanaka et al. discloses the invention recited in the present claims. Therefore, claims 1-4 are patentable over Tanaka et al. and their allowance is respectfully solicited.

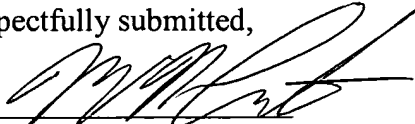
## CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise (Reg. No. 34,523) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: October 10, 2008

Respectfully submitted,

By 

Michael R. Cammarata

Registration No.: 39,491

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant